

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
SEPTEMBER 6, 2006 AT 4:00 P.M.
MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Pat Zeigler, Steve Ruble, Brian Russell, Jesse Brand, Tom King, Jack Heaton, Bryan Haza and Tom Finke (County Liaison).

Members Absent: Dave Bonnell, Joan Tupin-Crites and John Hatter.

Staff Present: Jeff Bergman, Sondra Bohn, Thom Weintraut, Laura Thayer, Marcus Hurley, and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the July 5, 2006 meeting.

Motion: Mr. King made a motion to approve the minutes. Mr. Ruble seconded the motion and it carried unanimously by voice vote.

OLD BUSINESS REQUIRING COMMISSION ACTION

PP-06-05: SPRUCE RIDGE MAJOR SUBDIVISION: – is a request by Todd Conwell, Conwell Properties, LLC, to subdivide 52.23 acres into 73 lots. The property is located at the southeast corner of the intersection of Goeller Boulevard and Goeller Court in the City of Columbus.

Ms. Zeigler stated she had listened to the tape from last month's meeting and would be voting on this request.

Mr. Thom Weintraut presented the staff information on this request.

Mr. E.R. Gray with E.R. Gray and Associates, and Todd Conwell represented the petitioner.

Mr. Gray stated that they had various challenges on this project and there have been several meetings regarding this request. Mr. Gray stated they agreed to rename the street and court at Two Mile House Road. He stated that there were three key issues to address: (1) The Fire Department requires a turnaround for Alberta Drive (stub street to the east). Mr. Gray stated that they concurred with the Fire Department and will provide a turnaround that meets the requirements of the Fire Department. (2) The City Engineer's Office requests that the petitioner build the intersection of Colorado Way, Black Hills Drive and the right-of-way extending to the south to allow lots 25 and 26 access to that right-of way. The City Engineer also request a no access notation on lots 25 and 26 along the street frontage of Colorado Way and Black Hills Drive. (3) Staff would recommend that the access easement for Blocks C, D and the Holmes property be a minimum of 25 feet if City Council approves the vacation of the 25 feet of public right-of-way adjacent to the Private Place. The final plat shall denote the conditions of maintenance of the easement. Mr. Gray stated that the 25-foot access easement is shown on the

revised plans that were submitted and they have agreed to that. Mr. Gray stated that the applicant would prefer not to improve the right of way extending to the south at lots 25 and 26. He stated he would like to present two drawings that show two different options. Mr. Gray stated that the drawing at the top of the page extends a portion of the road that goes to south side of the property and provides driveways from the extension to lots 25 & 26. He stated what they would prefer is to build some type of cross gutter that gives some definition to the southeast corner of the road. They would also designate access points for lots 25 and 26. He stated that this would be more attractive and would eliminate some confusion in the future.

Mr. Jesse Brand and Mr. Brian Russell arrived at this time.

Mr. Ruble stated they were concerned about driveways being accessed in the middle of the curve of Black Hill Drive and Colorado Way because of the visibility. Mr. Ruble stated that without having that approach built on the dedicated right of way it would be a surprise to someone in the future if a roadway were built adjacent to the side yard.

Mr. Ruble asked Mr. Gray if the road is the standard city street width on Option 1. Mr. Gray stated it was the 26 feet street width that is being proposed in the subdivision. Mr. Ruble stated he had envisioned that the drives could access directly into it at a 90-degree angle, where it is shown that the stub street needs to be built. He stated the driveways would turn into the stub street.

Ms. Zeigler asked what the surface would be in this subdivision. Mr. Gray stated it would be asphalt; the area at right-of-way will remain grass and vegetation.

Much discussion was held regarding the two options that Mr. Gray proposed for this request.

Mr. Brand asked the difference between the two options. Mr. Conwell stated he liked Option 2 because of the aesthetics. He stated there would be a depressed curb and on the other side would be grass. He stated that if Terrace Lake ever decided to tie into it they would just have to remove the sod and grass. He stated there were advantages with the drainage on Option 2.

Mr. Fisher opened the meeting to the public.

Mr. Don Michael with Tipton Lakes Company stated that twenty-five years ago Tipton Lakes Company participated in the realignment of the intersection of Terrace Lake Road and Goeller Boulevard in conjunction with the City of Columbus. He stated there was a direct benefit to Terrace Lake Road with the sight distance. He expressed concern regarding safety and traffic at this proposed intersection at Goeller Boulevard and Colorado Way.

Mr. Richard Slaughter expressed concern regarding flooding.

Mr. Fisher closed the meeting to the public.

Mr. Russell asked if the increased traffic would be a safety issue. Mr. Ruble stated that all the data indicates this intersection would be safe.

Mr. King expressed concerns regarding the safety issue at this intersection.

Mr. Bergman asked Mr. Ruble for input on the two options that the petitioners have proposed for the section of dedicated right of way.

Mr. Ruble stated his preference would be a modified version of option one. Mr. Fisher stated his preference would be to put a no access on Lot 56, requiring the drive to be at the northeast corner and showing the driveways on lots 25 and 26 as they are shown on Option Two. Mr. Brand stated it was important that the requests of the Terrace Lake neighborhood be respected.

Mr. Bergman stated staff would recommend approval of this request with the following conditions: (1) The Option 2 submitted for the intersection of Black Hill Drive and Colorado Way is acceptable provided that a no access notation be placed on lot 56 from lot 55 to a point 30 feet south of the lot line of lot 57; (2) A turnaround meeting the requirements of the Columbus Fire Department be provided at the end of Alberta Drive; (3) The petitioner vacate the public right-of-way along the east side of lots 68, 69, and 71 and a new 25 foot easement be platted for Blocks C, D, and the Holmes property; (4) Valley Court be renamed Spruce Valley Court and the section of Spruce Valley Drive between Two Mile House Road and the intersection at Valley Court and Spruce Valley Drive be renamed. The staff would also recommend approval of the following modifications: (1) Sidewalks are not required along Two Mile House Road on lot 65; (2) For the pavement widths may be less than 30 feet; (3) The centerline radii of the two curves located on the southeast intersection of Colorado Way and Black Hills Drive to be 100 ft and (4) The access easement for Blocks C, D, and the Holmes property may be less than 50 feet.

Motion: Ms. Zeigler made a motion to approve this request with the following conditions: (1) The Option 2 submitted for the intersection of Black Hill Drive and Colorado Way is acceptable provided that a no access notation be placed on lot 56 from lot 55 to a point 30 feet south of the lot line of lot 57; (2) A turnaround meeting the requirements of the Columbus Fire Department be provided at the end of Alberta Drive; (3) The petitioner vacate the public right-of-way along the east side of lots 68, 69, and 71 and a new 25 foot easement be platted for Blocks C, D, and the Holmes property; (4) Valley Court be renamed Spruce Valley Court and the section of Spruce Valley Drive between Two Mile House Road and the intersection at Valley Court and Spruce Valley Drive be renamed. The staff would also recommend approval of the following modifications: (1) Sidewalks are not required along Two Mile House Road on lot 65; (2) For the pavement widths may be less than 30 feet; (3) The centerline radii of the two curves located on the southeast intersection of Colorado Way and Black Hills Drive to be 100 ft and (4) The access easement for Blocks C, D, and the Holmes property may be less than 50 feet. Mr. Heaton seconded the motion and it carried with a vote of 7-1 with Mr. King being the nay vote.

RZ-06-04: ALBERT SKAGGS REZONING – a request by Albert Skaggs to rezone a property of 2.46 acres from AG (Agriculture) to B-4 (Highway Business). The property is located at 5860 North U.S. 31 in German Township.

Ms. Thayer presented the staff information on this request.

Mr. Albert Skaggs, President of Skaggs Builders, Mr. Andrew Skaggs, Vice President of Operations for Skaggs Builders and Mr. David W. Correll, Architect represented the petitioners.

Mr. Correll stated they were proposing to build a 3,200 square foot building for a landscape maintenance business. He stated the building would be aesthetically pleasing and would include landscape buffering.

Mr. Skaggs stated he was pleased there were a number of residents from Woodland Parks present at the meeting. He stated the site was just over two acres. Mr. Skaggs stated the reason he purchased this parcel was for the protection of the residents of Woodland Parks. He

stated that the house located there is substandard and does not fit with the character of Woodland Parks homes. Mr. Skaggs stated that in the Master Plan commercial development was encouraged along U.S. 31, citing the church, and the commercial development to the north at the County Road 950 North. He stated they would not oppose rezoning with restrictions. Mr. Skaggs stated the site is not feasible for another house because of the costs associated with building it. He stated if the rezoning is not approved, the house would have to be rehabbed and a tenant would be placed there. Mr. Skaggs stated if they had owned the parcel before it would have been included in the original plan for Woodland Parks. He stated platting the lot is not an option. Mr. Skaggs stated the proposal before the Plan Commission is the best use of the property. He stated this would also be a compliment to the neighborhood as a landscape business and a convenience for the people who do the lawn care for Mr. Skaggs properties.

Ms. Zeigler asked if they had considered any other type of business for this site. Mr. Skaggs stated they had considered mini storage buildings. Mr. Brand asked if there would be access to the property for storage buildings without having access from US 31. Mr. Skaggs stated that might be feasible with a modification of the Woodland Parks plat.

Mr. Fisher opened the meeting to the public.

Mr. Carl Workman expressed concern about a commercial site being constructed behind his residence, traffic and the hours of operation. He also expressed concern about a fence being constructed at this site.

Ms. Janet Greenlee asked if the site would be annexed to the City. Mr. Fisher stated at this time it is not eligible to be annexed to the City. Ms. Greenlee stated she would prefer storage buildings.

Mr. Charles Zink stated that the proposed project would to be located next to his back yard. He stated he would like a buffer between the business and his house. He stated he would prefer mini storage buildings at this site. Mr. Zink expressed concern about the size of the building.

Ms. Donna Blondell stated she would prefer storage buildings instead of the landscaping business.

Mr. Fisher read two letters into the record. One was from Ms. Greenlee expressing concerns about a buffer being constructed between her house and the business. She also expressed concern about the property values if a business was located at this site. The other one was from Mr. Delbert Vawter asking the Plan Commission not to rezone this property to a commercial use.

Mr. Fisher closed the public hearing to the public.

Ms. Zeigler stated that Mr. Skaggs' subdivisions were well built and maintained. She stated this request is a one-lot zoning request and close to a neighborhood. She stated there was B-5 zoning established down the road approximately one half mile. Ms. Zeigler stated it was unfair to the established residents to put a business in a residential area. She stated that the Comprehensive Plan states clearly regarding the development along US 31 and does not encourage spot rezoning.

Mr. Fisher stated he agreed with Ms. Zeigler and would be opposed to a rezoning in this neighborhood.

Mr. Skaggs stated that most of the neighbors would prefer the mini storage buildings instead of the landscaping business. Mr. Skaggs stated there were many commercial uses along US 31. He stated there was much concern about protecting his neighborhood development and its residents. Mr. Skaggs stated that the mini storage buildings would be a good fit for the neighborhood.

Mr. Russell stated it was his opinion that if this were a good fit for the neighbors and a benefit to the subdivision it would seem like this would be a good use for the property. He stated that the zoning seemed to be a higher zoning than would be appropriate at this location and that the Comprehensive Plan does not encourage this type of development in this area.

Mr. Bergman stated that mini storage buildings are not allowed in a B-4 zoning district.

Mr. Skaggs asked if they could apply for a variance. Mr. Bergman stated yes and that would be a decision made by the City Board of Zoning Appeals.

Mr. King asked if the entrance to the proposed business off US 31 was adequate. Mr. Ruble stated that the entrance was not ideal, but it was the only frontage that the property has.

Ms. Zeigler stated that two years was spent on developing the Comprehensive Plan and it addresses commercial business areas for growth in that neighborhood. She stated it was critical that they have an access road off US 31. She stated that a small strip mall would fit in with commercial zoning, as the access road would serve more than one business.

Mr. Bergman stated that he would like to remind the Commission members of the decision criteria that the Indiana Code and the Zoning Ordinance requires the Plan Commission to pay reasonable regard to when considering a rezoning. Those would be the Comprehensive Plan, current conditions and the character of current structures and uses in each district, conservation of property values throughout the City of Columbus, and responsible growth and development. He stated the Comprehensive Plan indicates at this location commercial uses that do not detract from residential, and industrial uses are appropriate. These uses shall be located only on arterial streets, should be in planned commercial areas, and not developed as single lots with curb cuts along the State Highway. Mr. Bergman stated that the request is in direct conflict with the Comprehensive Plan. Mr. Bergman stated that staff would recommend sending an unfavorable recommendation to the City Council.

Motion: Mr. Heaton made a motion to send an unfavorable recommendation to the City Council. Ms. Zeigler seconded the motion and it carried with a vote of 8-0.

Mr. Fisher left the meeting at this time and Ms. Zeigler, Vice President, chaired the remainder of the meeting.

PP-06-06: WILDFLOWER ESTATES MAJOR SUBDIVISION – a request by Joseph and Lisa Conner to subdivide 19 acres into 40 lots. The property is located on the north side of County Road 200 South 700 feet east of I-65 in Columbus Township.

Mr. Weintraut presented the staff information on this request.

Mr. Ted Darnell with Crowder & Darnell and Mr. Joe and Ms. Lisa Conner represented the petitioners.

Mr. Darnell stated that Marty Mann and George Lucas with Land Water Group would be assisting in the development of this subdivision with the storm water drainage design and is present at this meeting to answer any questions.

Mr. Darnell stated that they have prepared an agriculture subdivision for the property into the size and shape that would meet the contiguity requirements for annexation. Mr. Darnell stated the final step for the annexation was approved last night by City Council and that there would be a 30-day remonstrance period. He stated that the sketch plan that was enclosed in the packets show that these forty lots are part of a larger development. He stated this would be coming in later phases. He stated that this development meets a housing need in the market now. Mr. Darnell stated through proper engineering it will be developed into a viable part of the community.

Mr. Darnell stated there was one outstanding issue to be resolved and that is the secondary access. He stated that it would be provided through the future Day Lily Drive in and that they will construct the sub base for the street immediately so that emergency access is available. He stated what they would have for emergency access that is a full size standard street, minus the curbs and asphalt paving. He stated that an access easement be added to the plat and recorded with the final plat.

Ms. Zeigler opened the meeting to the public.

Mr. Don Michaels stated there was a principal street in Saw Mill Lake called Wildflower Drive and this would be confusing to have two streets with the same name. He stated this is located in the County.

Mr. Weintraut stated that he would look into this issue and if the names were the same, the street would be renamed.

Mr. Richard Slaughter expressed concerns about flooding. He also expressed concerns about the type of fencing that would be used by the property owners in this subdivision, as his house would back up to this subdivision.

Mr. Jerry Weismier expressed concerns about drainage issues and the amount of water that flows through this area now. He also had concerns about the consistency of the material used in construction of the fence that would face his property.

Ms. Zeigler closed the meeting to the public.

Ms. Conner stated they would be conducting a complete soil analysis and would be looking at the trends of the subdivision that would help address some of those concerns. She stated that in regards to the fencing they would look into the option of having all wood fences on the property. Ms. Conner stated that the Land Water Group has been hired to address the drainage and flood issues. Ms. Conner stated they would be having a retention pond on Section 1. Mr. Mann presented the City Engineer a preliminary copy of a drainage plan for the site.

Mr. Bergman stated that the Plan Commission typically asks for a copy of the restriction and covenants that go with the property, but cannot dictate what is or is not in the covenants.

Mr. Ruble asked if they have an idea where the storm water detention will be located and what kind of outlet control they will have. Mr. Mann stated they have plans to build a temporary detention basin that would handle the run off water from Phase 1. He stated he was not sure if it

would be pipe or ditch, but that will depend on the final design. Mr. Mann stated they would be consulting with the Drainage Board on this project. He stated that it would be designed so that if an event occurs during the initial construction it will be protected to the level of the final product.

Mr. Ruble asked Mr. Darnell if he would address the City Engineer's comment on the request that 50 feet of asphalt be placed on the secondary access to buffer against stone being tracked on 200 South. Mr. Darnell stated they would agree to this.

Mr. Bergman stated that staff would recommend approval with the following conditions: (1) A detail of the intersection of County Road 200 South and the secondary access shall be provided for review by the City Engineer's Office and Planning Department. (2) Provide a cross section of the secondary access drive; (3) The name of Wild Orchid Court East on the drainage plan must be changed and (4) The name Wildflower Drive has been used in Saw Mill Subdivision, so a new name will need to be chosen for Wildflower Way.

Motion: Mr. Heaton made a motion to approve this request with the following conditions: (1) A detail of the intersection of County Road 200 South and the secondary access shall be provided for review by the City Engineer's Office and Planning Department. (2) Provide a cross section of the secondary access drive; (3) The name of Wild Orchid Court East on the drainage plan must be changed and (4) The name Wildflower Drive has been used in Saw Mill Subdivision, so a new name will need to be chosen for Wildflower Way. Mr. Brand seconded the motion and it carried with a vote of 7-0.

RZ-06-05: ORINOCO PROPERTIES REZONING – a request by Orinoco Properties Inc. to rezone a property of 3.23 acres from I-2 (Medium Industrial) to B-5 (General Business). The property is located at 1501 Cottage Avenue in the City of Columbus.

Mr. Hurley presented the staff information on this request.

Mr. John Counciller and Mr. Andy Counciller represented the petitioner.

Mr. John Counciller stated they had purchased the building three years ago and had intended to use it for warehousing. He stated that they had already torn down part of the building to the north and the current tenant had vacated the property two months ago. Mr. Counciller stated that they are proposing to rezone the property to B-5 so it will be compatible to the current zoning on the other properties he owns. He stated they have no specific tenants.

Ms. Zeigler asked about the amount of parking that would be required at this site.

Mr. Counciller stated they would be tearing down enough of the property along Central Avenue to access the property and improve the parking. He stated that in the back there would be more parking available, as they will be tearing down one or two of the truck docks.

Ms. Zeigler opened the meeting to the public.

There was no one to speak for or against this request.

Ms. Zeigler closed the meeting to the public.

Mr. Russell asked for a definition of the adjacent B-5C zoning. Mr. Bergman stated that some of the conditions dealt with the components of redeveloping the property. Mr. Hurley stated the

property had some difficulties meeting the development standards for the district and conditions were placed on the property to limit the uses. Mr. Bergman stated he did not feel that conditions were necessary with this request.

Mr. Bergman stated that the development being proposed is in agreement with the Comprehensive Plan for this area and staff would recommend sending a favorable recommendation to the City Council.

Mr. Brand made a motion to send to City Council a favorable recommendation. Mr. Russell seconded the motion and it carried with a vote of 7-0.

DISCUSSION ITEMS

Mr. Bergman asked that the discussion items be continued to the September 2006 meeting.

DIRECTOR'S REPORT

LIAISON REPORTS

Written reports were received and discussed.

ADJOURNMENT: 6:15 P.M.

David L. Fisher, President

Steven T. Ruble, Secretary